

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

JOSEPH ANTHONY MCKINLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-10-886-D
	)	
TROY WALL,	)	
	)	
Defendants.	)	

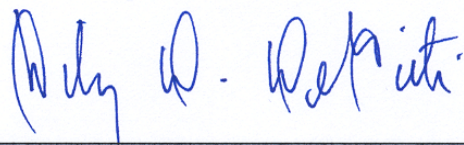
**ORDER**

This matter is before the Court for review of the Report and Recommendation [Doc. No. 26], issued by United States Magistrate Judge Valerie K. Couch pursuant to 28 U.S.C. § 636(b)(1). Judge Couch recommends the dismissal of this action under 42 U.S.C. § 1983 as time-barred and, to the extent an official-capacity claim is asserted, barred by Eleventh Amendment immunity.

Plaintiff has not filed a timely objection or requested additional time to object, although he was expressly advised of the right to object, the deadline for objections, and the consequences of failing to object. Therefore, the Court finds Plaintiff has waived further review of all factual and legal issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Accordingly, the Court adopts the Report and Recommendation [Doc. No. 26] in its entirety.

IT IS THEREFORE ORDERED that the Motion to Dismiss [Doc. No. 15] is GRANTED. This action is DISMISSED with prejudice to refile. Judgment shall be entered accordingly.

IT IS SO ORDERED this 25<sup>th</sup> day of February, 2011.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE